

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN UNIVERSITIES,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:25-cv-11231-IT
)	
NATIONAL SCIENCE FOUNDATION, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**DEFENDANTS’ MOTION FOR LEAVE TO FILE OVERLENGTH
MEMORANDUM (45 PAGES) OPPOSING SUMMARY JUDGMENT AND
SUPPORTING CROSS MOTION FOR SUMMARY JUDGMENT**

Pursuant to the Court’s May 14, 2025 Order, Doc. No. 48, Defendants (“NSF”) will file on May 27, 2025, an opposition to Plaintiffs’ Motion for a Preliminary Injunction and Expedited Summary Judgment, Doc. No. 40, and a cross motion for summary judgment. Given the important federal interests at issue in this case, and the length of Plaintiffs’ memorandum in support of their request for summary judgment, NSF moves for leave to file an overlength memorandum of no more than 45 pages in opposition to that motion and in support of NSF’s motion for summary judgment. *See* Local Rule 7.1(b)(4) (permitting overlength memoranda with leave of court).

In support of its motion, NSF states as follows:

1. Plaintiffs challenge NSF’s adoption of a 15 percent indirect cost rate cap on a variety of grounds. Specifically, they argue that NSF’s policy violates the Administrative Procedure Act as it is contrary to statute and regulations and is arbitrary and capricious.

As such, their arguments, and this case, present multiple contested and arguably complicated legal issues.

2. Plaintiffs' motion would also compel NSF to award millions of dollars in grants on terms that it has determined are contrary to public policy. Given the magnitude of the federal interest at stake, NSF respectfully requests 45 pages to present its position to the Court.

3. The Court previously granted Plaintiffs' motion for leave to file an overlength memorandum of 45 pages in support of their motion for a preliminary injunction and for summary judgment. Doc. No. 39. In their motion for leave to file that overlength memorandum, Plaintiffs indicated they are "amenable to a corresponding enlargement for any opposition filed by Defendants, so as to avoid any prejudice." Doc. No. 38 at 4.

Accordingly, NSF requests that the Court grant NSF leave to file its memorandum opposing Plaintiffs' Motion for a Preliminary Injunction and Expedited Summary Judgment and supporting NSF's cross motion for summary judgment with a length not to exceed 45 pages.

Dated: May 23, 2025

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: May 23, 2025

s/Bethany R. Theriot
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